

**ORDINANCE NO. 2010-997-O**

**AN ORDINANCE AMENDING AND SUPERSEDING, SECTION 10-9-6.C OF  
THE WASHINGTON COUNTY CODE, PLANNED DEVELOPMENT ZONE,  
CONDITIONAL USES BY ADDING CEMETERIES**

WHEREAS, Washington County has previously adopted Title 10-9-6.C of the Washington County Code (Conditional Uses in the Planned Residential Development District (PDR Zone); and

WHEREAS, the provisions set forth in Title 10-9-6.C of the Washington County Code do not allow cemeteries as a conditional use in the PDR Zone, and;

WHEREAS, in order to allow cemeteries as a conditional use in the PDR Zone, Title 10-9-6.C needs to be amended.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Washington County that Title 10-9-6.C of the Washington County Code is hereby amended and superseded as follows:

1. Statutory Authority
2. Purpose of Provisions
3. Findings
4. Amendment of Title 10-9-6.C of the Washington County Code
5. Prior Ordinances, Resolutions, Policies and Actions Superseded
6. Effective Date

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-53-208, 17-53-223, 7-27a-102, and 7-27a-501 *et seq.* (1953, as amended).

2. Purpose of Provisions.

The purpose of this ordinance is to amend Title 10-9-6.C of the Washington County Code, to provide for cemeteries as a conditional use in the PDR Zone.

3. Findings.

- A. The provisions set forth in Title 10-9-6.C of the Washington County Code do not allow cemeteries as a conditional use in the PDR Zone.
- B. Allowing cemeteries in the PDR Zone will provide for the health, safety, and welfare of the citizens of Washington County, and promote prosperity, improve the morals, peace and good order, comfort, convenience, and

aesthetics of Washington County and its present and future inhabitants and businesses.

- C. In order to allow cemeteries in the PDR Zone, said section of the Washington County Code needs to be amended.
  - D. The Planning Commission caused notice of the hearing and the proposed amendment of Title 10-9-6.C of the Washington County Code Title to be advertised at least ten (10) days before the date of the public hearing in *The Spectrum*, a newspaper of general circulation in Washington County.
  - D. On June 8, 2010, at 1:30 p.m., the Planning Commission held a public hearing to consider any comments regarding the proposed amendment of Title 10-9-6.C of the Washington County Code. The Planning Commission accepted all comments.
  - E. The proposed amendment of Title 10-9-6.C of the Washington County Code was submitted to the Washington County Planning Commission ("Planning Commission") on June 8, 2010. The Planning Commission recommended approval of the proposed amendment.
  - F. It is in the interest of the public and the citizens of Washington County that the proposed amendment of Title 10-9-6.C of the Washington County Code be approved.
4. Amendment of Title 10-9-6.C of the Washington County Code.

Title 10-9-6.C of the Washington County Code is hereby amended to read as follows:

C. Conditional Uses: Conditional uses may be approved at the time of project plan or phase plan approval, or at a later time as project details permit appropriate use determination. If the use changes from that use approved in the project plan, an amendment to the plan will be necessary. All conditional uses shall meet the requirements of chapter 18, (Conditional Uses), of this title. Conditional uses may be approved for one or more of the following:

Apartment rental developments.

Assisted living or independent living care facilities.

Bed and breakfast facilities.

Cemeteries.

Churches with or without attendant educational and recreational buildings.

Clubs, private and public, including, but not limited to, golf and country clubs.

Condominiums.

Home occupations as defined herein and approved by the land use authority.

Neighborhood commercial uses in PDR districts provided:

1. Mixed use, i.e., commercial, office, or residential, are within the same building or on the same site.
2. The neighborhood commercial is located within the PDR development.
3. Provide sidewalks at such widths shall comply with current construction standards, as may be approved by the land use authority, and which will connect the pedestrian system within the project, and also to sidewalks in existing development areas outside of the project area as may be applicable.
4. Parking for residential units within the neighborhood commercial area shall be separated from commercial parking spaces and specifically reserved for residential parking in the amount required by this chapter, unless otherwise approved by the land use authority. Commercial parking spaces shall meet the requirements of this chapter, or as may be approved by the land use authority.

Public utility transmission structures including electrical substations, distribution lines, transformer locations, water wells, pumping structures and other similar uses and structures.

Schools, public or private, offering general educational courses to the public at the preschool, elementary, secondary, or college level.

Timeshare or fractional interest in residential properties.

Other proposed uses, as may be approved by the land use authority as being either permitted or conditional, and in harmony with the intent of the particular zone being considered.

5. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes Title 10-9-6.C of the Washington County Code, and all prior ordinances, resolutions, policies, and actions of the Washington County Board of County Commissioners to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect fifteen (15) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this \_\_\_\_\_ day of June 2010.

WASHINGTON COUNTY

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JAMES J. EARDLEY, Chair  
Washington County Commission

ATTEST:

\_\_\_\_\_  
Kim M. Hafen  
Washington County Clerk-Auditor

Commissioner Eardley voted \_\_\_\_  
Commissioner Gardner voted \_\_\_\_  
Commissioner Drake voted \_\_\_\_